

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chris Duerr	Team: Team # 5	CCRB Case #: 201002298	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 02/16/2010 1:10 PM	Location of Incident: § 87(2)(b)	Precinct: 105	18 Mo. SOL 8/16/2011	EO SOL 8/16/2011	
Date/Time CV Reported Tue, 02/16/2010 1:10 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 02/17/2010 12:49 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Brian Caslin	19772	943060	105 PCT
2. POF Catherine Gassick	10136	943284	105 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Brian Caslin	Force: PO Brian Caslin used physical force against § 87(2)(b)	§ 87(2)(b)
B.POF Catherine Gassick	Force: PO Catherine Gassick used physical force against § 87(2)(b)	§ 87(2)(b)

Case Summary

§ 87(2)(b) filed a complaint by telephone with IAB on February 16, 2010 (encl. 4-5). IAB referred the complaint to the CCRB on February 17, 2010 (encl. 6-7). On February 16, 2010 at approximately 1:10 p.m., § 87(2)(b) requested police assistance after he was physically assaulted by his landlord and his landlord's brother at his home, located at § 87(2)(b) in Queens. Police officers responded to incident, and the following allegations resulted:

- **Allegation (A) Force:** PO Brian Caslin used physical force against § 87(2)(b)
- **Allegation (B) Force:** PO Catherine Gassick used physical force against § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

This case was investigated by Investigator Benjamin Havumaki. Following Investigator Havumaki's resignation from the CCRB, Team 5 Supervisor Chris Duerr completed the closing report.

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

§ 87(2)(b) is a 5'10" tall white male who weighs 140 pounds and has blond hair and hazel eyes. He was § 87(2)(b)-old on the date of this incident.

Statements to Medical Personnel

§ 87(2)(b) was treated at § 87(2)(b) Hospital on § 87(2)(b). There, he reported that when the police arrived at his apartment in response to his complaint against his landlord, they "beat him up," and indicated that officers threw him down. He also reported that he had been assaulted by his landlord (encl. 37).

Statement in Notice of Claim

On February 18, 2010, § 87(2)(b) stated in a Notice of Claim filed against the City of New York (encl. 14) that he was beaten by his landlord and unlawfully evicted. The responding police officers then ignored § 87(2)(b)'s claims. When he called 911 again, the same officers returned and forcibly threw him down a flight of stairs.

CCRB Testimony

On March 8, 2010, § 87(2)(b) was interviewed at the CCRB (encl. 8-12). He provided a formal statement that was generally consistent with his initial statement to the Internal Affairs Bureau, except where specifically noted below. According to § 87(2)(b) at approximately 1:10 p.m. on February 16, 2010, he was at his apartment, located on the second floor of § 87(2)(b) in Queens. The house configuration divides the unit into two separate bedrooms, with § 87(2)(b) on the second floor and his neighbor, § 87(2)(b) § 87(2)(b) on the third floor in an attic room. § 87(2)(b) had been having an ongoing dispute with his landlord, known only as § 87(2)(b) regarding maintenance issues which had not been addressed.

On the date in question, an exterminator came to the building to service § 87(2)(b)'s apartment, as well as the apartment of § 87(2)(b). § 87(2)(b) witnessed the landlord and exterminator break down § 87(2)(b)'s door to gain entry. § 87(2)(b) called the police.

Two police officers, who were identified by the CCRB as PO Brian Caslin and PO Catherine Gassick, arrived. PO Caslin and PO Gassick filed an incident report and left the building premises. After the officers left, the landlord and his brother, whose name is not known, threw § 87(2)(b) out of his room by using physical force. § 87(2)(b) called the police.

PO Caslin and PO Gassick returned. § 87(2)(b) reported to them that he had been physically assaulted by his landlord and his landlord's brother. § 87(2)(b) got the impression that the officers did not believe what he was saying because he did not have any visible bruises on his body. PO Gassick and PO Caslin filed a report, which § 87(2)(b) contended was insufficient because it did not state that he was attacked by his landlord and his landlord's brother. PO Caslin and PO Gassick left the scene.

§ 87(2)(b) called 911 again, and explained to the operator that he was not happy with the report that the officers had filed. The operator told § 87(2)(b) to wait for a sergeant to arrive. Fifteen to twenty minutes later § 87(2)(b) saw a police car pull in front of the building. § 87(2)(b) went downstairs to speak with the officers. When he got downstairs he noticed that it was PO Caslin and PO Gassick again. Upon seeing that it was the same two officers, § 87(2)(b) turned around and began walking back upstairs to his apartment. As he was walking away, PO Gassick rolled down her window and asked § 87(2)(b) if he called 911 again. § 87(2)(b) responded that he had called 911 again and requested that a sergeant respond to the scene. PO Gassick informed § 87(2)(b) that if he made subsequent false complaints to 911, he would be arrested. § 87(2)(b) did not respond to the threat of arrest and proceeded back upstairs to § 87(2)(b)'s apartment.

When § 87(2)(b) arrived at § 87(2)(b)'s apartment, he called 911 again and asked for a sergeant to come and investigate his claims. The 911 operator transferred § 87(2)(b) to the Internal Affairs Bureau (IAB). § 87(2)(b) began explaining to IAB what had happened. PO Caslin and PO Gassick entered § 87(2)(b)'s building through the main door downstairs. The main door, which is typically locked, was closed but unlocked, due to the fact that § 87(2)(b) was awaiting the arrival of a sergeant.

While § 87(2)(b) was still on the phone with IAB in § 87(2)(b)'s room, he heard PO Caslin and PO Gassick open the main door and shout his name, asking him to come downstairs. § 87(2)(b) stated that he never heard the officers knock before they opened and entered through the main door. § 87(2)(b) asked § 87(2)(b) to inform the officers that he was on the phone with IAB and that he would be downstairs as soon as he was done. § 87(2)(b) informed the officers that § 87(2)(b) was on the phone with IAB, but the officers proceeded to call for § 87(2)(b) to come downstairs and speak with them. § 87(2)(b) meanwhile, was in the room with § 87(2)(b).

After § 87(2)(b) ignored the officers' repeated requests to come downstairs, the officers proceeded through the main entrance and up the stairs to the second floor hallway outside of § 87(2)(b)'s room. They continued to call up the stairs for § 87(2)(b) to exit the room and speak with them. The officers were very loud. § 87(2)(b) put the IAB representative

on hold, exited the attic room, and attempted to explain to the officers at the bottom of the second floor stairs that he would speak with them after he was done with IAB.

PO Caslin and PO Gassick ascended the stairs, grabbed § 87(2)(b) by the front of his shoulder, and pulled him down, causing him to fall down approximately five stairs, from the third floor to the second floor. In his second statement to IAB, provided when IAB called § 87(2)(b) at approximately 10:35 p.m. on February 16, 2010, § 87(2)(b) reported that he was grabbed by the neck and thrown down the stairs. § 87(2)(b) landed at the base of the stairs. PO Caslin and PO Gassick asked § 87(2)(b) who was now lying down, whether he had reported them to 911 for beating him. § 87(2)(b) explained that he had not reported either PO Caslin or PO Gassick, but did report that he was having a dispute with his landlord. The conversation completed, the officers exited the house, leaving § 87(2)(b) on the ground at the base of the stairs on the second floor.

A representative of IAB called back § 87(2)(b) because the phone had been disconnected when § 87(2)(b) had been pulled down the stairs. § 87(2)(b) reported to IAB had just transpired, and IAB called an ambulance on behalf of § 87(2)(b).

When the ambulance arrived outside § 87(2)(b)'s building, PO Caslin and PO Gassick were still outside. A sergeant also arrived at the scene. § 87(2)(b) was transported to the § 87(2)(b) Hospital via the ambulance. § 87(2)(b) sustained minor injuries as a result of being pulled down the stairs: scratches all over his body, broken fingernails, and back, shoulder, and head pain.

Witness: § 87(2)(b) § 87(2)(b)
§ 87(2)(b) § 87(2)(b) is a 6'2" tall black male of unknown weight, who has black hair and black eyes. He was § 87(2)(b)-old on the date of this incident.

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on April 13, 2010 (encl. 18-20). He reported that on February 16, 2010, he had an incident with his landlord. § 87(2)(b) had been sleeping when the landlord broke into his apartment, dismantled his door, and entered. § 87(2)(b)'s neighbor, § 87(2)(b) witnessed this. § 87(2)(b) went to speak with § 87(2)(b) about this matter. Apparently, the landlord had heard the conversation between § 87(2)(b) and § 87(2)(b) because the landlord began to evict § 87(2)(b) by placing § 87(2)(b)'s belongings into plastic bags. § 87(2)(b) returned to his room, where he found the landlord and his brother, both of whom pushed around § 87(2)(b).

§ 87(2)(b) called the police. § 87(2)(b) was present when officers, identified by the CCRB as PO Caslin and PO Gassick, responded. Though § 87(2)(b) wished for the officers to file a report, they refused to do so. As such, § 87(2)(b) called the police again. Officers again responded. These officers, who were identified by the CCRB as PO Gassick and PO Caslin, agreed to file a report, instructing § 87(2)(b) to report to the precinct stationhouse the next day, so that a report could be generated. The officers left. § 87(2)(b) wanted a report immediately, however, so he called the police again. While § 87(2)(b) was speaking with the 911 operator, the same officers were sent back to § 87(2)(b)'s residence. PO Caslin and PO Gassick gained access to the house. § 87(2)(b) saw the officers, and he told § 87(2)(b) to come down to meet them. § 87(2)(b) presented himself, walking down onto the stairs, but he refused to get off the phone. At this point, both § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) were standing on the stairs that lead from the 2nd floor – where the officers were, standing in a common space outside of § 87(2)(b)'s room – to the attic, from where § 87(2)(b) had come. Though the officers told § 87(2)(b) to get off the phone, he refused. PO Caslin grabbed § 87(2)(b) by his shirt collar, and pulled him down a number of stairs. § 87(2)(b) hit his feet on the stairs, breaking a toenail, and fell onto his butt on the landing at the bottom of the steps.

When § 87(2)(b) saw this, he ran upstairs to grab his camera. He began recording, capturing footage of § 87(2)(b) sitting on the ground, sitting on his butt, and the officers pointing at him. EMS responded to the scene, as did a sergeant, and the initial two officers departed.

NYPD Statements:

Subject Officer: PO CATHERINE GASSICK

- *PO Catherine Gassick is a § 87(2)(b).*
- *On February 16, 2010, PO Gassick worked from 7:05 a.m. until 3:40 p.m. with PO Brian Caslin, patrolling sector 'G' within the 105th Precinct. PO Gassick dressed in uniform, and used a marked police vehicle.*

Memo book

PO Gassick recorded her involvement in this incident in detail in her memo book. Her memo book entry was consistent with her formal statement to the CCRB (encl. 22).

Stop, Question, and Frisk Report

PO Gassick prepared a stop, question, and frisk report (UF-250) following this incident. She noted that she had suspected § 87(2)(b) of assault, and had used physical force against him, which consisted of placing her hands on him to arrest him. She noted that her suspicion of § 87(2)(b) was elevated by his furtive movements, proximity to a scene of suspected offense, and the fact that he changed direction at the sight of officers (encl. 23).

CCRB Testimony

PO Gassick was interviewed at the CCRB on May 7, 2010 (encl. 25-27). She reported that on February 16, 2010, at approximately 1:10 p.m., she and her partner, PO Caslin, were called to respond to a landlord-tenant dispute at § 87(2)(b) in Queens. She would later discover that she and her partner were not the first officers called to this location on this date, though it was not known to PO Gassick whether the earlier police response was related to the same matter.

PO Gassick and PO Caslin knocked on the building door, and spoke with the landlord, who reported that an exterminator had come earlier, and that the tenant, who was identified by the CCRB as § 87(2)(b) was not happy about this. The officers walked to the other side of the house, to § 87(2)(b)'s entrance, and spoke with him. § 87(2)(b) reported that he had had an argument with his landlord about an exterminator, and that there had been some pushing and shoving during this conflict. PO Gassick asked § 87(2)(b) if he had been injured or needed an ambulance. He replied in the negative to both questions. He was informed that a complaint report for harassment was going to be filed, and advised that he could take this report to court. § 87(2)(b) however, was adamant about wanting his landlord to be arrested. He was informed that this was not possible. PO Gassick and PO Caslin returned to their vehicle to get paperwork.

PO Gassick and PO Caslin then received a call from the dispatcher about a past assault at the same location. Since they were still at the scene, they exited their vehicle, and walked back to § 87(2)(b). They asked him if he had just called 911, and he confirmed that he had indeed called again. He indicated that he was calling because he wanted his landlord to be arrested. Again, he was informed that since harassment was a violation, the landlord could not be placed under arrest. Rather, the matter would have to “go through the courts.” The officers returned to their vehicle.

Then, a call about an assault-in-progress at the same locale came over the radio. PO Caslin and PO Gassick ran back to the § 87(2)(b)'s unit, and knocked on his door. Since nobody answered, and the officers heard a commotion coming from upstairs, they entered. PO Gassick saw § 87(2)(b) standing on a landing of the stairs, approximately 2 stairs away from PO Gassick. Initially, PO Gassick reported that she saw § 87(2)(b) standing at the doorway to his room. Later, she indicated that she was concerned because she was not certain who was in this room.

§ 87(2)(b) was on the stairway between the attic and the second floor, where PO Gassick and PO Caslin were standing. From her perch, PO Gassick was able to see past § 87(2)(b) up to the attic area. She also saw a black male, who was identified by the CCRB as § 87(2)(b) standing in the vicinity. She told him to stand back. He was standing further up the stairs than § 87(2)(b) essentially in the background, at the back of a room at the top of the stairs. Though he did not exactly move backwards, he stood by. At a certain point during this incident – the precise time was not specified – § 87(2)(b) was videotaping PO Gassick and PO Caslin. PO Caslin explained to him that if he wished for help from PO Gassick and PO Caslin, he would have to stop video taping them.

Upon seeing § 87(2)(b) PO Gassick commanded him to “come over” to her. She explained that she issued this command because she was unaware of what assault-related matter was happening. However, § 87(2)(b) did not comply. Rather, he attempted to ascend the steps to get away from PO Gassick and PO Caslin. § 87(2)(b) climbed approximately 1 or 2 stairs. PO Gassick followed him up, and grabbed his shirt arm. He was still on the stairs at this point. Seeing that PO Gassick appeared to be involved in a struggle, PO Caslin also grabbed § 87(2)(b). PO Gassick and PO Caslin pulled § 87(2)(b) toward them. In this process, § 87(2)(b) was brought down to a knee. PO Gassick also went down to a knee. § 87(2)(b) was on the ground off of the stairs, in a small corridor area. She explained that he essentially stumbled down. § 87(2)(b) had not wanted to go with her when PO Gassick tried to seize him, and did not go limp. PO Gassick explained that there were two steps between where she grabbed him, and where he ended up on his knees. She clarified that § 87(2)(b) did not stumble past her. PO Caslin, at this stage, stood to the right of PO Gassick.

PO Gassick explained that she physically seized § 87(2)(b) because he had not been complying. Though she had asked to speak with § 87(2)(b) and asked him to come downstairs, he had refused. Since she had received an assault-in-progress call, she felt it necessary to determine whether there had been an assault. As such, she deemed it necessary to use this quantum of force to bring § 87(2)(b) to her.

PO Gassick asked § 87(2)(b) whether he had been fighting with his landlord. He replied in the negative. She asked him whether he had called 911 in regard to the earlier assault. He

replied in the positive. She then realized that the landlord was not present. PO Gassick explained to § 87(2)(b) that repeatedly calling 911 constitutes falsely reporting an incident, and that he could be placed under arrest for this matter. She did not remember PO Caslin independently making this point to the § 87(2)(b).

§ 87(2)(b) was still sitting on the ground when PO Gassick departed the building.

Subject Officer: PO BRIAN CASLIN

- *PO Caslin is a § 87(2)(b).*
- *On February 16, 2010, PO Caslin worked from 7:05 a.m. until 3:40 p.m. with PO Catherine Gassick, patrolling sector 'G' within the 105th Precinct. PO Caslin dressed in uniform, and used a marked police vehicle.*

Memo book

PO Caslin documented this encounter in his memo book. His entries were consistent with his formal statement (encl. 28-29).

CCRB Testimony

PO Caslin was interviewed at the CCRB on May 21, 2010 (encl. 32). He reported that at approximately 12:12 p.m. on February 16, 2010, he received a call from the dispatcher about a dispute at § 87(2)(b) in Queens. PO Caslin and his partner, PO Gassick, traveled to this location. When they arrived, they spoke with the complainant, § 87(2)(b) who relayed a story to them about a dispute that he had had with his landlord. § 87(2)(b) requested that his landlord be arrested. PO Caslin explained that the situation did not rise to the level of an assault, and as such, did not merit an arrest. PO Caslin stated that he would prepare a report for harassment, and advised § 87(2)(b) about how to get an order-of-protection. He returned to his vehicle with PO Gassick, and began to prepare the harassment report. Then, a call regarding a past-assault at the same location came over the radio.

PO Caslin returned to § 87(2)(b)'s apartment with PO Gassick. § 87(2)(b) explained that he was upset that his landlord was not being arrested. Again, PO Caslin indicated that a report for harassment would be prepared. He returned to his vehicle.

A third call then came over the radio. The dispatcher advised PO Caslin and PO Gassick that a landlord was being assaulted by a tenant at § 87(2)(b). PO Caslin and PO Gassick returned to the house and entered again. PO Caslin heard noise coming from the attic. PO Caslin did not remember anything specific that he heard at this point, and was not able to determine whose voices he was hearing. The officers headed upstairs, and PO Caslin announced, "Police. Come downstairs." § 87(2)(b) came down the stairs, and appeared at the landing that separates the 3rd floor from the attic. (PO Caslin explains that there are three steps separating this landing from the position where he was. A flight of stairs then leads from this interim landing to the attic). When he observed PO Caslin and PO Gassick, however, § 87(2)(b) ran back up. PO Caslin commanded § 87(2)(b) to return, and came halfway down the stairs, to a landing. Concerned for the safety of § 87(2)(b) as well as for his own safety and the safety of his partner, PO Caslin commanded § 87(2)(b) to come all the way down. He refused. (PO Caslin explained that his fear was specifically based upon the fact that he thought § 87(2)(b) was a perpetrator, and was concerned that if something happened, he and § 87(2)(b) could tumble down the stairs). So, PO Caslin escorted § 87(2)(b) off of the

landing, approximately three steps down to the floor. PO Caslin did this by placing a hand on § 87(2)(b)'s biceps. PO Gassick took hold of § 87(2)(b)'s other biceps. § 87(2)(b) was not totally compliant. He tried to hold himself back, but ultimately stepped down the stairs. Once § 87(2)(b) was at the bottom, PO Caslin commanded him to sit down, and he complied. PO Caslin denied that § 87(2)(b) fell down. PO Caslin stood about one foot in front of § 87(2)(b) facing him. He denied standing over him, or straddling him, and denied that § 87(2)(b) was ever positioned in a different fashion on the ground. PO Caslin denied that § 87(2)(b) complained of injuries, and denied seeing any visible injuries on § 87(2)(b).

PO Caslin again explained to § 87(2)(b) that he would prepare a report for harassment, and not one for assault. He further explained that the landlord would not be arrested, and commanded § 87(2)(b) not to call 911 and make false claims. PO Caslin returned to his vehicle, where he completed a report for harassment, as well as a UF-250. He explained that the latter report was prepared because § 87(2)(b) was the tenant, and when the assault-in-progress call had come over the radio, he had been thought to have been the perpetrator of the crime in question.

EMS Came to the scene, because a call about an assault-in-progress had been made. § 87(2)(b) left in an ambulance, and went to the hospital. PO Caslin denied that § 87(2)(b) ever told him that he had been injured in his encounter with his landlord. At some point during this incident, PO Caslin informed § 87(2)(b) that he could be arrested.

Medical Records

§ 87(2)(b) was treated at § 87(2)(b) Hospital on § 87(2)(b) (encl. 37-39), where he reported a chief complaint of left shoulder pain. The records from this treatment note that § 87(2)(b) had superficial abrasions on his arms, and “generalized symptoms.” The records also document a crack on the top of § 87(2)(b)'s first left toe.

NYPD Documents

SPRINT Reports

There were several SPRINT reports (encl. 43-47) which document the separate 911 calls and police communications made throughout the incident. The first report begins with a 911 call by § 87(2)(b) at 10:38 a.m. There are several subsequent 911 calls, which are summarized in the following section. The police communications portions of the reports indicate that officers responded to the incident location several times in response to § 87(2)(b) and § 87(2)(b)'s 911 calls. There are no significant departures from the civilians or the officers' accounts of the incident.

911 Communications Recordings

The following is a summary of the recording of 911 communications made in connection with this incident (encl. 42):

§ 87(2)(b) called 911 twice to complain that his landlord broke into his apartment. Two officers responded, and though § 87(2)(b) asked them to prepare a report, they indicated that he was not entitled to one. The operator indicated that a sergeant would be called to the scene.

Later, § 87(2)(b) again called 911 and reported that his landlord and his landlord's brother kicked him, punched him, and threw him from place to place, and pushed him out of his room, out the front door. He indicated that he did not need an ambulance.

There is another recording of § 87(2)(b) speaking with 911 in which he indicates that he had been told that a sergeant would be sent, but that none had arrived. § 87(2)(b) relates that he saw a police car outside and went to meet it, unaware that it was the same officers who had been at his premises earlier. They asked him why he had called 911 again, and he explained that he was expecting a sergeant. The officers told him that if he called 911 again and filed a false report, they would arrest him.

IAB Command Center Recording

The recordings (summarized in detail in encl. 48-49) capture § 87(2)(b)'s statements to IAB, which he made during the incident, as well as after the incident. § 87(2)(b)'s complaint to IAB is generally consistent with the complaint narrative he recounted to the CCRB.

Regarding his allegations of force, § 87(2)(b) stated that he was injured because he was thrown down 4 stairs. The officers grabbed him by his shirt and threw him, causing injury to his knees. § 87(2)(b) stated that he needed an ambulance.

Other Evidence

Video Footage

§ 87(2)(b) provided the CCRB with video footage that he had copied onto a compact disc. There were two separate video recordings that pertained to the incident in question (encl. 50-51).

The first recording captured an interaction between § 87(2)(b) PO Gassick and PO Caslin. § 87(2)(b) was standing by the doorway of the house and the officers were located in front of him outside the house. § 87(2)(b) told the officers that he had a problem with "them" and "they" called the police; he did not specify who "they" were. § 87(2)(b) explained to the officers that the police arrived to the location and told him that without a court order he could not be evicted from the basement. PO Caslin told § 87(2)(b) to call the 105th Precinct and go to criminal court. PO Caslin then told § 87(2)(b) that with a complaint number, he could then get an order of protection. § 87(2)(b) asked the officers, "What about the punching and pushing," to which PO Gassick replied that he was going to fill out a report for harassment and that if § 87(2)(b) wanted him to do that, § 87(2)(b) needed to put the video camera away.

The second recording captured an interaction between § 87(2)(b) PO Gassick and PO Caslin. This recording was taken by § 87(2)(b) § 87(2)(b) from atop the stairs. § 87(2)(b) appeared to be lying down on the ground near a door frame by the stairs. § 87(2)(b) asked the officers why they did "this" to him. PO Caslin responded by asking § 87(2)(b) if any distress had occurred at the present time and if the landlord had punched him and kicked him. § 87(2)(b) stated that nothing had happened in that precise moment but that something had happened before. PO Caslin responded that they had spoken with § 87(2)(b) "ten times" already and inquired why § 87(2)(b) kept on calling the police. § 87(2)(b) then said that he had called back because he wanted to talk to 911, to which PO Caslin replied that § 87(2)(b) had already talked to 911. § 87(2)(b) stated, "I was talking and you hung up my phone. I was talking to Internal Affairs and you punch me down

the stairs,” to which PO Caslin responded, “Ok, call them back.” § 87(2)(b) asked the officers if he had to stay like that, lying down on the ground, to which PO Caslin replied, “Yes, you just called 911 and said someone was assaulting you, there are two people here and we don’t know who is assaulting you.” PO Caslin then told § 87(2)(b) that if he wanted to call 911 all day, to go ahead and do that. PO Caslin also told § 87(2)(b) that he was going to get his report for harassment the next day. Later, § 87(2)(b) asked the officers to answer whether they did or did not throw § 87(2)(b) down the stairs. The officers did not respond.

Status of Civil Proceedings

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b) claiming assault, battery, and failure to provide services and seeking one hundred thousand dollars in compensatory damages and two hundred thousand dollars in punitive damages as redress (encl. 14-15).

Civilian(s) Criminal History

- As of November 5, 2010, Office of Court Administration records reveal no criminal convictions for § 87(2)(b) or § 87(2)(b) in the past five years.

Civilian(s) CCRB History

- This is the first CCRB complaint filed by § 87(2)(b)

Subject Officer(s) CCRB History

- PO Brian Caslin and PO Catherine Gassick have each been a member of the service for three years and there are no substantiated CCRB allegations against either of them (encl. 1-2).

Conclusion

Identification of Subject Officer(s)

IAB identified the involved officers as PO Brian Caslin and PO Catherine Gassick. SPRINT reports and 911 and police communication records confirmed the identification. Additionally, both officers acknowledged their respective roles in the incident during their CCRB interview.

Allegations Not Pleaded

§ 87(2)(b) alleged that the officers threatened to arrest him if he continued to call 911 with false complaints. PO Gassick corroborated § 87(2)(b)'s allegation to the effect that she informed him he would be arrested if he made repeated false reports to 911, a statement of fact that the CCRB elected to not plead as an allegation of misconduct.

Investigative Findings and Recommendations

Allegation (A) Force: PO Brian Caslin used physical force against § 87(2)(b)

Allegation (B) Force: PO Catherine Gassick used physical force against § 87(2)(b)

§ 87(2)(b) alleged that the officers grabbed hold of him and threw him down a flight of stairs (between three and five stairs, depending on the account), causing him to sustain injuries.

§ 87(2)(b)'s neighbor/roommate, § 87(2)(b) stated that PO Caslin grabbed § 87(2)(b) by the shirt collar and pulled him down the stairs, thereby causing him to land on his butt at the bottom of the stairs. The officers acknowledged coming into physical contact with § 87(2)(b) but they differed in their account of the nature and extent of their use of force. According to the officers' version of the incident, they grabbed him by the arms in order to guide him down the stairs because they were unsure of his role in a reported assault. PO Gassick stated

that § 87(2)(b) stumbled and eventually landed on his knees, while PO Caslin stated that § 87(2)(b) did not fall to the ground at any point, but rather was instructed by the officers to sit down once he had reached the bottom of the stairs. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

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Team: _____

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Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date